

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSE A. VARGAS,

Plaintiff,

v.

LT. SMITH and UNITED STATES OF  
AMERICA,

Defendants.

Case No. 18-cv-496-JPG-GCS

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 44) of Magistrate Judge Gilbert C. Sison recommending that the Court grant the motion for summary judgment filed by the defendant United States of America (Doc. 27) and dismiss Count 2 of this case as filed beyond the statute of limitations for claims under the Federal Tort Claims Act.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 44);
- **GRANTS** the motion for summary judgment filed by the United States (Doc. 27);

- **DISMISSES** Count 2 **with prejudice**; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

The United States is terminated as a party to this case.

**IT IS SO ORDERED.**

**DATED: October 8, 2019**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**